

# **MINUTES**

## **Viewing of the Downtown Newton Streetscape Master Plan – May 18, 2010**

A public viewing of the Downtown Newton Streetscape Master Plan exhibits was held on Tuesday, May 18, 2010 at 6:00 p.m. in the lobby of City Hall. Those in attendance to meet and greet the public, as well as answer questions were, Jeremy Petty, DNDA Chairperson; Rob Powell, Commercial Development Coordinator; and Mayor Pro Tem Anne Stedman and DNDA City Council Representative. Council Members Tom Rowe, Bill Lutz, and Mary Bess Lawing also attended the viewing.

Only a few citizens attended the viewing, as there had been other opportunities available to the public in the past. Maps, special booklets, etc. were provided for the citizens' convenience.

## **REGULAR MEETING OF THE NEWTON CITY COUNCIL – MAY 18, 2010**

The regular meeting of the Newton City Council was held on Tuesday, May 18, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, Robert C. Abernethy, Jr., and Mayor Pro Tem Anne Stedman.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Beunice R. "Bootsie" Roberts, members of the Management Team, City Department Heads, and DNDA Chairperson Jeremy Petty.

### **ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:**

Mayor Mullinax called the meeting to order and welcomed everyone to the second meeting in May.

### **ITEM 2. OPENING – COUNCIL MEMBER MARY BESS LAWING:**

Council Member Mary Bess Lawing gave the invocation and led the audience in the Pledge of Allegiance.

### **ITEM 3. APPROVAL OF MINUTES FROM THE MAY 4, 2010 REGULAR COUNCIL MEETING:**

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve the minutes of the May 4, 2010 meeting as submitted.

### **ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:**

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve the Consent Agenda Items as submitted.

#### **A. Tax Releases – March 2010**

The reason for each release is annotated beside the name.

<b>Tax Year</b>	<b>Tax Release Number</b>	<b>Name</b>	<b>Reason</b>	<b>Amount of Release</b>
2008	23	Smith, John	Property sold in December 2007	\$5.96
2009	24	Smith, John	Property sold in December 2007	\$5.49

**B. Tax Releases – April 2010**

The reason for the release is annotated beside the name.

<b>Tax Year</b>	<b>Tax Release Number</b>	<b>Name</b>	<b>Reason</b>	<b>Amount of Release</b>
2008	25	Godoy Jewelry Design	Business did not open until August 2008	\$258.19

**C. Sewer Adjustments – May 2010**

The adjustments are recommended as a result of a water leak at the service address or a pool fill up.

<b>Account Number</b>	<b>Name</b>	<b>Service Address</b>	<b>Adjustment Period</b>	<b>Amount of Adjustment</b>
33000960.0098	Newton Conover High School	338 West 15 <sup>th</sup> Street Gym, NCHS	Jan 2010	\$1766.57
17000760.0098	George Hughes	1389 W NC Hwy 10	Mar 2010	\$191.68
2000430.0097	Bobby Pettrey	856 Westside Drive	Mar 2010	\$14.88
65000360.94	Anna Becka	630 Overlook Dr	Mar 2010	\$30.21

**D. Consideration of a Resolution Directing the City Attorney to petition Superior court re: Abandoned Structure Case # 2010-01 Larry Vergason**

**RESOLUTION #17-2010**

**RESOLUTION OF THE CITY COUNCIL  
OF THE  
CITY OF NEWTON**

**CONCERNING:**

**OWNER/OCCUPANT/TENANT:** Larry & Gail Vergason

OWNER'S ADDRESS: 3942 US Hwy 70 SW, Hickory, NC 28602-4528

PROPERTY ADDRESS: 1000 N Ashe Ave, Newton, NC 28658

TAX MAP REFERENCE: MAP 014N 04024A (COUNTY Catawba)

PIN: 3730-12-97-7067

**BEING A RESOLUTION** directing the City Attorney for the City of Newton pursuant to Chapter 18 Buildings of the City of Newton Code to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by Chapter 18, Section 18-115 of the City Code; and

**WHEREAS**, the City Council of the City of Newton finds that the property herein described is an abandoned structure and is in dilapidated condition under the provisions of the Buildings Code and that the provisions of said Codes have not been complied with as a condition to the adoption of this resolution; and

**WHEREAS**, the owner of said property has failed and refused to comply with a lawful order of the Code Enforcement Officer to remove the same to meet the requirements of the Buildings Code within the time period prescribed;

**NOW, THEREFORE**; be it resolved by the City Council of the City of Newton that the City Attorney for the City of Newton pursuant to Chapter 18, Section 18-115 of the City Code be authorized and directed to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by the North Carolina General Statutes, said Order of the Code Enforcement Officer being dated March 23, 2010 and incorporated by reference into this Resolution.

**ADOPTED THIS 18TH DAY OF MAY 2010.**

Robert A. Mullinax, MAYOR

ATTEST:

Beunice R. Roberts, CMC/City Clerk

**ITEM 5.**      **COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):**

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on a non-agenda item, and no one appeared to speak.

**ITEM 6.**      **OLD BUSINESS:**

**A.**      **Presentation of the draft Downtown Streetscape Master Plan**

Mayor Mullinax said that the Downtown Streetscape Master Plan project has been in the planning stages for some time, and that the Master Plan Committee would like to make a final presentation of the plan to the Council.

Jeremy Petty, DNDA Chairperson, gave a background report on the DNDA's vision and mission statements, which he said was very applicable to the Downtown Streetscape Master Plan. Mr. Petty posed the question, "How does a Streetscape Master Plan project contribute to the vision and mission for the City of Newton?" Mr. Petty said that the Downtown Streetscape Master Plan provides an incentive for businesses to locate in the City of Newton versus other communities. He referenced the fact that businesses/industries such as CommScope, Shurtape, and McCreary Modern, are interested in the Newton area.

Mr. Petty said that the Downtown Streetscape Master Plan would be the stimulus for increased private investment, encourages citizens and visitors to shop in the downtown area, and provides a more enjoyable public area for the citizens to use – for both business and leisure times. Mr. Petty said that the Downtown Streetscape Master Plan is a guiding document for planning and implementing future improvements and is directed towards public areas and not privately controlled properties.

Mr. Petty presented nine recommendations for the Council's consideration in adopting the Downtown Streetscape Plan, which are:

1. The continuation of efforts to relocate overhead utilities underground and to remove unnecessary streetscape clutter
2. The adoption of environmentally-responsible and aesthetically pleasing downtown street lighting
3. The addition of appropriate street trees and new planters, the continuation of the Living Tree Memorial Program, and the incorporation of environmentally responsible stormwater control areas in the city right-of-way
4. The incorporation of "bump-outs" in strategic locations for defining areas and providing additional opportunities for trees and plants
5. The addition of brick paver strips along sidewalks and stamped brick-pattern crosswalks
6. The incorporation of the City's Wayfinding Plan into the Downtown Streetscape Master Plan
7. The addition of seating areas, bike racks, and small "pocket parks" to promote pedestrian traffic
8. The continuation of the current memorial park bench program with the continued use of the existing bench and trash receptacle design
9. The incorporation of dedicated spaces for the display of public art within the city right-of-way.

Mr. Petty said that the Master Plan Committee recommends that a Master Plan Review Committee be established to oversee the process of implementation, which will span over several years, to review construction plan for adherence to the adopted plan, and to approve future modifications to the plan. Mr. Petty, through the use of a power point, reviewed area maps & concepts, slides on the before and after effects with enhancements, crosswalks and sidewalks, street trees, street lights, planters, various signs, benches, artwork, etc.

Mr. Petty said that it was the desire of the Master Plan Committee to make Newton an interesting place to locate, work, visit and live. He said in regards to public funds, 86.2% of respondents from the 2008 Newton Community Survey revealed that public funds

should be used to enhance the downtown. Mr. Petty presented the schedule that the Master Plan Committee has been working under and said that the next step in the process is the approval from the Council.

Mayor Mullinax asked the Council to review the information that was provided and that the Master Plan Committee would hear back from the Council within the next several meetings.

Council Member Mary Bess Lawing said that she is on the Master Plan Committee and that the Master Plan Committee has put in many hours of work on the Downtown Streetscape Master Plan. She thanked all who had a part in the planning process.

Council Member Robert C. Abernethy, Jr. said that he is interested in the “Wayfinding Signs,” and that he is glad the Committee kept the benches and trash receptacles in the plan. Council Member Abernethy also recommended that the Master Plan Committee include “recycle bins” in their plans. He said that the Master Plan Committee did a good job.

Mayor Pro Tem Anne Stedman said that it is very important that the Council adopt a plan, but there is always need for additional input. She said that a plan of this type is very beneficial in seeking grants.

Mayor Mullinax said that this project has been in progress for more than eight years. He said that the Council would invite the Master Plan Committee back for another discussion with the Council, that it is the Council’s obligation to ask questions they might have and to adopt. Council Member Mary Bess Lawing said that this plan should be adopted soon, which Mayor Mullinax suggested that a work session before a future Council meeting would be in order.

Mr. Petty advised the Mayor and Council to give him a call or send an email if they have questions or concerns so that each would have a better understanding of what is being presented.

Mayor Mullinax said that the Master Plan Committee has done a great job and that it is an exciting venture for the City. He said that the Downtown Streetscape Master Plan would be scheduled as an agenda item by the next two or three meetings.

**B. Consideration of a Capital Project Budget Ordinance for the Main Street Energy Grant**

Commercial Development Coordinator Rob Powell reported that the City has received a \$6,310 grant from the State Energy Office for replacing fluorescent lighting. He said that the grant is for Main Street communities and for projects within the Main Street boundaries. Mr. Powell said that City Hall is the only facility in the Main Street boundary that qualified for the grant. Mr. Powell said that the grant would provide for the conversion from the T-12 fluorescent lighting to T-8 energy efficient fluorescent lighting on the main floor and basement of City Hall. Mr. Powell said that approximately 300 ballasts and 712 bulbs would be replaced. He said that the more efficient light bulbs and electronic ballasts are projected to result in an estimated annual energy savings of \$1,873. Mr. Powell said that the grant would

cover approximately 74% - 75% of the materials and that the City would need to assist with the cost of the materials.

When working with ARRA funding, Mr. Powell said that precise financial record keeping is very important; therefore, an ordinance is necessary to establish an accounting tracking method for the \$6,310. Mr. Powell said that City labor would be provided to do the electrical work. He said that the Staff recommends that the Council adopt the proposed Capital Project Budget Ordinance to proceed with the project.

Council Member Bill Lutz said that for the large amount of savings for the cost associated with the changing of the lighting appears to be a good rate of return. There being no further discussion, a motion was made by Council Member Bill Lutz, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve a Capital Project Budget Ordinance for the project.

**(ORDINANCE #2010-12 IS HEREBY REFERENCED AND  
ON FILE IN THE OFFICE OF THE CITY CLERK)**

**C. Consideration of Capital Project Budget Ordinance Amendment –  
Heritage Trail Greenway**

Planning Director/Assistant City Manager Glenn J. Pattishall distributed and reviewed photos of the work that has been done on the Heritage Trail Greenway project to date. He said that in July of 2005, the City Council adopted a Capital Project Budget Ordinance appropriating \$143,000 for construction of Phase 1 and Phase 2 of the Newton Heritage Trail Greenway. Mr. Pattishall said that the cost for materials for the Phase 1 portion of the Heritage Trail Greenway totaled \$18,000, and Phase 2 of the Heritage Trail Greenway project includes \$100,000 from a NCDOT Enhancement Grant and a \$25,000 City match. Mr. Pattishall said that Phase 1 of the Heritage Trail Greenway project has been completed for approximately two years and the actual expense to construct Phase 1 was \$40,370, which over-expended the estimated amount by \$22,370.

Mr. Pattishall reviewed the wetland areas and the trail, and explained the existing conditions with the stone area and the bridge. Mr. Pattishall said that he, Director of Public Works and Public Utilities Wilce Martin, Street Superintendent Mark Herman, and Purchasing Agent Ed Epley carefully reviewed the remaining work to be done to complete the Greenway project. He said it was determined that approximately \$61,000 in additional funds would be needed for materials and remaining engineering expenses. He said that the current balance in the budget and an estimated \$64,980 for materials and \$6,300 in associated engineer and survey work is yet to be completed. Mr. Pattishall said that private funds in the amount of \$1,000 has been received from the Catawba Valley Heritage Alliance to go towards the bridge engineering work that needs to be done and recognized as a revenue.

Mr. Pattishall said that City labor was performed for the work at a value of \$26,255, and an additional \$20,000 is needed to complete the work for a total of \$46,255 in contributed capital. Mr. Pattishall said that the Staff requests that the Council approve the proposed Capital Project Budget Ordinance Amendment in the amount of \$108,200 which would reflect an appropriation of \$61,945 from the General Fund Balance for the remaining elements of the project, and the \$46,255 to recognize the contributed capital associated with

the labor from the City crews, and the \$1,000 in revenue from the Catawba Valley Heritage Alliance.

There was a lengthy discussion on the Heritage Trail Greenway project specifically involving the materials and labor, that the Staff is not sure of the true value of the project or any savings. Finance Director Hinson said that the savings would come from using the City Crews for the labor on the project.

Council Member Robert C. Abernethy, Jr. asked if the NCDOT Enhancement Grant has to be used in a specific period, which Mr. Pattishall said that due to the circumstances, the City has been given several extensions on the project. Council Member Robert C. Abernethy, Jr. asked to decline action on this item until further discussions during the budget work sessions.

Mayor Mullinax said that the Heritage Trail Greenway Project needs to be completed, that it has been going on for a long time. He asked what would happen if the project is not completed, what is the penalty.

City Manager Todd Clark said that if the grant funds are not used for the project, that not completing the project might forfeit the funding opportunity.

Council Member Robert C. Abernethy, Jr. recommended that the Council decline action on the Heritage Trail Greenway Project issue until further discussion during the budget work sessions. Council Member Bill Lutz agreed that it would be good to discuss the matter further.

Mr. Pattishall said that the Staff's ability to work on the Heritage Trail Greenway is 100% due to the weather.

Council declined action until further discussion.

## **ITEM 7. NEW BUSINESS:**

### **A. Presentation of the Fiscal Year 2010-2011 Budget**

While Planning Director/Assistant City Manager Glenn J. Pattishall and Finance Director Serina Hinson distributed the proposed Fiscal Year 2010-2011 City Budget, City Manager Todd Clark thanked the Staff for their work on the budget.

City Manager Todd Clark reviewed his message to the Council on the Fiscal Year 2010-2011 Budget stating that he and the Staff have worked diligently to prepare a responsible budget that substantially maintains the current level of service under the given economic situation. He said that the budget includes conservative revenue projections to avoid shortfalls but not too conservative that it would produce significantly more revenue than necessary to meet expenditure requirements. He said that the proposed recommended Fiscal Year 2010-2011 Budget includes \$27,158,400 for operations, \$4,002,100 for debt service and \$700,300 for capital expenditures, for a total of \$31,860,800, a total budget decrease of \$8,007,790 from prior year or 20%.

City Manager Clark said that the proposed budget is balanced and maintains the current property tax rate of 48¢ per \$100 of assessed property value. However, City Manager Clark said that the budget does reflect an appropriation of \$400,000 from the General Fund Retained Earnings (Fund Balance) for operating purposes.

City Manager Clark highlighted the following proposed recommendations:

- In order to meet the operation requirements of the Water and Sewer Fund, a 4% rate increase is proposed.
- A rate increase of 5% is proposed in the Electric Fund to continue providing safe and reliable power.
- A proposed layoff of employees across various departments represents a cost savings of \$298,700.
- A reduction in holiday pay spread equitably across all departments is proposed with a savings of \$101,200 (Fourth of July, Labor Day, one day at Thanksgiving, one day at Christmas, and Good Friday.) The implementation of five unpaid holidays will mean that each employee will render a day of pay.
- To eliminate funding for special appropriations to agencies that do not provide a direct service supporting City operations, resulting in a savings of \$145,050.
- To not open the City's swimming pool, resulting in a savings of \$45,200.

City Manager Clark continued with an overview of the different funds, the projected revenues and expenditures, and the status of economic development in the City and Catawba County. He said that the proposed Fiscal Year 2010-2011 Budget represents a responsible effort to generate adequate revenue necessary to meet operating requirements and future debt service obligations. City Manager Clark said that he has given great care and consideration in preparing the budget and despite the changes affecting State collected local government revenues and actions taken by the legislatures, the City must be prepared to make necessary adjustments for any negative consequences. City Manager Clark said that he and the Staff have made a conscientious effort to hold the line on spending while continuing to provide substantially the same level of service similar to that of Fiscal Year 2009-2010. He thanked the Council for the opportunity to present the Fiscal Year 2010-2011 Budget, and looks forward to working with the Council to finalize a conservative and balanced budget.

#### **PROPOSED FISCAL YEAR 2010-2011 BUDGET**

<b><u>FUND</u></b>	<b><u>APPROPRIATION</u></b>
General	\$10,826,300
Federal Asset Seizure	15,000
Powell Bill	373,700
Health Insurance	1,505,800
Enterprise Funds:	
Water & Wastewater	6,123,200
Electric	<u>13,016,800</u>
	31,860,800



Mayor Mullinax reviewed the Budget Work Sessions Schedule which includes the following dates, May 20, May 24, May 27, June 1, June 3, June 7, and June 8, if necessary, and to begin at 5:15 p.m. He encouraged the Council to review the budget and prepare to discuss each line item, that the meetings are as regular meetings and would be subject to vote at any time. Mayor Mullinax also encouraged the citizens to attend.

**ITEM 8. CITY MANAGER'S REPORT:**

City Manager Clark reported on the following:

- Announced the Air Quality Conference which will be held on May 25, 2010 at 9:45 a.m. – 3:15 p.m. at Lenoir-Rhyne University in Hickory, NC
- Announced the Relay for Life event on May 21 and 22 at Southside Park.
- Announced the Employee Fitness Day on May 19 at Southside Park.
- Announced the Newton-Conover Middle School Groundbreaking Ceremony on May 27 at 1:30 p.m. on Northern Drive in Conover.
- Reported that the HVAC at the Recreation Center has been replaced and the new roof is being put on this week. He said that the Central cafeteria building is almost down and complete demolition should be finished this week.
- Reviewed the new map on the Greenway Transit System, highlighting the new paint job of the buses, and the schedule routes.
- Reported that the City is performing OSHA testing on old utility poles in the north side of the City. Please advise if asked.
- Reported that there will be some maintenance work and painting of the water storage tanks at Northside Park in the next few weeks.
- Reported that Chief Kevin Yoder will be applying for an Assistance to Firefighters Grant, which is for a fire-training trailer for \$123,029. The City's share to assist with the funding is \$12,203.
- Planning Director/Assistant City Manager Glenn J. Pattishall reported that in a prior meeting, the Council authorized the Mayor to file an application for a \$300,000 Main Street Solution Grant. He said that Commercial Development Coordinator Rob Powell reported that the Main Street Staff has made recommendations to the Governor for the award and that an announcement would be made soon.
- Reported that a sinkhole opened up on East A Street beside the old Carolina Mills building. Mr. Clark said that the Staff is making repairs and that he would keep the Council informed of the repair progress.

**ITEM 9. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:**

None.

**ITEM 10. ADJOURNMENT:**

There being no further business to discuss, Mayor Mullinax recessed the May 18, 2010 regular Council Meeting until 5:15 p.m. on Thursday, May 20, 2010 in the Council Chambers at City Hall for the first Fiscal Year 2010-2011 Budget Work Session.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. (Bootsie) Roberts, CMC/City Clerk